

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 12, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

v.

KELLY JO DRIVER,
Defendant.

NO. 4:24-CR-06004-SAB-1

**ORDER GRANTING MOTION
FOR PROTECTIVE ORDER
REGULATING DISCLOSURE OF
DISCOVERY AND SENSITIVE
INFORMATION**

Before the Court is the United States' Unopposed Motion for Protective Order Regulating Disclosure of Discovery and Sensitive Information, ECF No. 45. The motion was heard without oral argument. The United States is represented by Freida Zimmerman and Jeremy Kelley. Defendant is represented by Jennifer Barnes.

The United States asks the Court to enter a Protective Order regarding the dissemination of discovery materials, and the sensitive information contained therein, in this case. The United States indicates that a significant volume of the discovery matters in this matter include sensitive personal, financial, and business information and identifiers of the Defendant and co-Defendants. Good cause exists to grant the motion.

Accordingly, **IT IS HEREBY ORDERED:**

ORDER GRANTING MOTION FOR PROTECTIVE ORDER ~ 1

1 1. The United States’ Unopposed Motion for Protective Order
2 Regulating Disclosure of Discovery and Sensitive Information, ECF No. 45, is
3 **GRANTED.**

4 2. The United States is authorized to disclose the discovery including
5 sensitive information and materials (hereinafter “Discovery”) in its possession
6 pursuant to the discovery obligations imposed by this Court.

7 3. Government personnel and counsel for Kelly Jo Driver (“Defendant”),
8 shall not provide, or make available, the sensitive information in the Discovery to
9 any person except as specified in the Order or by approval from this Court.
10 Counsel for Defendant and the Government shall restrict access to the Discovery,
11 and shall only disclose the sensitive information in the Discovery to their client,
12 office staff, investigators, independent paralegals, necessary third-party vendors,
13 consultants, and/or anticipated fact or expert witnesses to the extent that defense
14 counsel believes is necessary to assist in the defense of their client in this matter or
15 that the Government believes is necessary in the investigation and prosecution of
16 this matter.

17 4. Third parties contracted by the United States or counsel for Defendant
18 to provide expert analysis or testimony may possess and inspect the sensitive
19 information in the Discovery, but only as necessary to perform their case-related
20 duties or responsibilities in this matter. At all times, third parties shall be subject
21 to the terms of the Order.

22 5. Discovery in this matter will be available to defense counsel via
23 access to a case file on USA File Exchange. Counsel for Defendant may download
24 Discovery from USA File Exchange and shall exercise reasonable care in ensuring
25 the security and confidentiality of the Discovery by electronically storing the
26 Discovery on a password-protected or encrypted storage medium, including a
27 password-protected computer, or device. If Discovery is printed, Counsel must also
28 exercise reasonable care in ensuring the security and confidentiality of the

1 Discovery by storing copies in a secure place, such as a locked office, or otherwise
2 secure facility where visitors are not left unescorted.

3 6. If, during the pendency of the case, Defendant requests a copy of the
4 any Discovery items from Counsel for Defendant, Counsel may provide a copy of
5 Discovery items to the defendant provided that Counsel advises Defendant of the
6 requirements of the Protective Order and ensures that all sensitive third-party
7 information contained in the Discovery, such as social security numbers, dates of
8 birth, and bank account numbers, is fully redacted. Counsel for Defendant may
9 review Discovery with a witness or potential witness in this case subject to the
10 requirement that before being shown any portion of the Discovery, any witness or
11 potential witness must be informed of the requirements of the Protective Order and
12 no witness or potential witness may retain any copies of the Discovery after his or
13 her review of those materials with Counsel is complete.

14 7. All counsel of record in this matter, including counsel for the United
15 States, shall ensure that any party, including the Defendant, that obtains access to
16 the Discovery, is advised of this Order and that all information must be held in
17 strict confidence and that the recipient may not further disclose or disseminate the
18 information. Any other party that obtains access to, or possession of, the
19 Discovery containing discovery information once the other party no longer
20 requires access to or possession of such Discovery shall promptly destroy or return
21 the Discovery once access to Discovery is no longer necessary. No other party that
22 obtains access to or possession of the Discovery containing sensitive information
23 shall retain such access to or possession of the Discovery containing sensitive
24 information unless authorized by this Order, nor further disseminate such
25 Discovery except as authorized by this Order or the further Order of this court. For
26 purposes of this Order, “other party” is any person other than appointed counsel for
27 the United States or counsel for Defendant.

28 8. All counsel of record, including counsel for the United States, shall

1 keep a list of the identity of each person to whom the Discovery containing
2 sensitive information is disclosed and who was advised of the requirements of this
3 Order. Neither counsel for Defendant nor counsel for the United States shall be
4 required to disclose this list of persons unless ordered to do so by the Court.

5 9. Upon entry of a final order of the Court in this matter and conclusion
6 of any direct appeals, government personnel and counsel for Defendant shall
7 retrieve and destroy all copies of the Discovery containing sensitive information,
8 except that counsel and government personnel may maintain copies in their closed
9 files following their customary procedures.

10 10. Government personnel and counsel for Defendant shall promptly
11 report to the Court any known violations of this Order.

12 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
13 enter this Order and furnish copies to counsel.

14 **DATED** this 12th day of April 2024.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

Stanley A. Bastian
Chief United States District Judge